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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,202	01/07/2004	Paul H. Edwards	016743-9002	5345

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EXAMINER

GREENHUT, CHARLES N

ART UNIT	PAPER NUMBER
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3652

MAIL DATE	DELIVERY MODE
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10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/753,202	EDWARDS ET AL.	
	Examiner	Art Unit	
	Charles N. Greenhut	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 36-46 is/are rejected.
- 7) ☒ Claim(s) 25-31 and 33-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

I. Claim Rejections – 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. With respect to claim(s) 1, it is unclear what is meant by the term “operation” in line

12. I.e., it is unclear how a cable is “operated.” The specification does not provide antecedent basis for this terminology. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Examiner suggests “winding” for consistency with spec pg 14 Li. 22-24.

II. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 1-2, 12-15, 20-24, 36-39, and 45-46 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over COHN (US 6,010,298 A) in view of REDDING (US 5,160,236 A).

1.1. With respect to claim 1, COHN discloses a frame (24) a ramp platform (28), carriage (at 62) moveable with respect to the frame (24), a motor (72) coupled to the frame (via e.g., 62/54), a drive shaft (74), drive pulley (76), belt (80), release assembly configured to disconnected and connect the drive pulley from the motor (Col 13 Li.

56-59). COHN fails to disclose a manual control cable for moving the ramp carriage assembly. It is well-known in the art to provide a hand-crank, which is known to comprise a control cable, for manually actuating a vehicle ramp as discussed in REDDING (Col. 4 Li. 26-40). It would have been obvious to one having ordinary skill in the art to modify COHN with the hand crank having a control cable of REDDING in order to facilitate actuation of the ramp in the event of a power failure.

1.2. With respect to claim(s) 2, COHN does not provide details of the mechanism employed to release the drive pulley from the motor. COHN does, however, disclose employing a release cable (464) and actuator (402) to release the belt. It would have been obvious to one having ordinary skill in the art to employ the same components to release the pulley from the motor.

1.3. With respect to claim 12-15, and 20, COHN additionally discloses guide shafts (46), linear bearings (88), pivot arms (84) a member extending orthogonally between the pivot arms (28), torsion bar (82), torsion spring (301), bar (46) extending between the torsion bar and the end of the ramp providing a downward force against the end of the ramp (via 50), the carriage having a profile approximately equal to that of the ramp (Fig. 9).

1.4. With respect to claim 21, COHN discloses moving a platform (28), with carriage (26), powered by motor (72), having drive shaft (74), rotating a drive pulley (76), having belt (80) in communication with pulley (76) and carriage (26), and a release assembly (Col 13 Li. 56-59), via a release actuator (coupling or clutch), disconnecting the drive pulley (76) from the motor (72), and manually deploying the ramp (Col. 14

Li. 23-24). COHN fails to disclose a using a control cable for deploying the ramp. It is well-known in the art to provide a hand-crank, which is known to comprise a control cable, for manually actuating a vehicle ramp as discussed in REDDING (Col. 4 Li. 26-40). It would have been obvious to one having ordinary skill in the art to modify COHN with the hand crank having a control cable of REDDING in order to facilitate actuation of the ramp in the event of a power failure.

1.5. With respect to claim(s) 22-24, COHN does not provide details of the mechanism employed to release the drive pulley from the motor. COHN does, however, disclose employing a release cable (464) and pivoting (about 456) actuator (438) to release the belt. It would have been obvious to one having ordinary skill in the art to employ the same or similar components to release the pulley from the motor.

1.6. With respect to claim 36-39, COHN additionally discloses providing pivot arms (84), linear bearings (88), and guide shafts (46)/(54), a member extending orthogonally between the pivot arms (28) and a torsion bar (82), torsion spring (301), providing a downward force against the end of the ramp (via 50).

1.7. With respect to claim(s) 45-46, the limitation of having the belt engaged with the pulley while the motor is disengaged with the pulley is met depending upon the order of actuation of the respective release mechanisms. With respect to the apparatus claim, 45, since the COHN structure is capable of such a configuration, it meets the claim limitation. With respect to the method claim 46, since no specific order of release is specified or required and the same results are achieved, this amounts to

substitution of equivalent steps to yield the same predictable results. Such substitution would have been obvious to one having ordinary skill in the art.

2. Claim(s) 16-19, 40, and 41-42 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over COHN (US 6,010,298 A) in view of REDDING and further in view of TREMBLAY (US 5,636,399 A).

2.1. With respect to claim 16-19, and 40-42, COHN fails to teach a ramp flap having a wheel. TREMBLAY teaches hinged (46) ramp flap (44) having wheel (48), actuator bracket (for mounting the wheel), the wheel (48) dropping into a cutout (region of 78 between 94/96) in the ramp platform (12). It would have been obvious to one of ordinary skill in the art to modify COHN in view of REDDING with the wheeled flap arrangement of TREMBLAY to provide a smooth surface to facilitate transition of a wheeled vehicle between the sections.

3. Claim(s) 43-44 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over TREMBLAY.

3.1. With respect to claims 43-44, TREMBLAY teaches rotating a motor (108) shaft (motors are known to have shafts), rotating a drive sprocket (106) connected to a drive chain (104), deploying/stowing carriage (80), pivoting the ramp platform (77) about support bearings (82), of the carriage (80), rotating flap (44), having wheels (48) into cutout (region of 78 between 94/96). TREMBLAY does not teach a drive belt and pulley. A drive belt and pulley are well-known equivalent driving members of the drive chain and sprocket, respectively, disclosed in TREMBLAY. It would have been obvious to one having ordinary skill in the art to employ alternative

equivalent drive means, as suggested by TREMBLAY (Col. 7 Li 58-59), such as a belt and pulley, in order to achieve the predictable result of actuating the platform (77) and carriage (80).

III. Allowable Subject Matter

1. Claims 3-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

- 1.1. With respect to claim(s) 3, the details of the clutch mechanism as described in the language of claim 3 in combination with the ramp assembly as described in the language of claims 1-2 is not taught or fairly suggested by the prior art of record.

- 1.2. With respect to claim(s) 9, the details of the manual connection of the cable to the bearing block in combination with the ramp assembly as described in the language of claim 1 is not taught or fairly suggested by the prior art of record.

2. Claims 25-31, 33-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- 2.1. With respect to claim(s) 25, the details of the clutch mechanism as described in the language of claim 25 in combination with the ramp assembly as described in the language of claims 21-23 is not taught or fairly suggested by the prior art of record.

- 2.2. With respect to claim(s) 33, the details of the manual connection of the cable to the bearing block in combination with the ramp assembly as described in the language of claim 21 is not taught or fairly suggested by the prior art of record.

IV. Response to Applicant's Arguments

Applicant's arguments entered 8/23/07 have been fully considered.

1. Applicant has, by the present amendment, overcome the rejections of claims 1-42 previously set forth. Upon further consideration, however, a new grounds for rejection of claims 1-2, 12-24, 32, and 36-42 is presented above. In light of this new grounds for rejection Applicant's arguments with respect to these claims are rendered moot.
2. Applicant argues that a rejection of claims 43-44 in view of GRANT is improper because the proposed modification would render GRANT inoperable for its intended purpose. No opinion is rendered on this matter herein. However, upon further consideration, a new ground for rejection of claims 43-44 is presented above. In light of this new ground for rejection this action is made non-final.

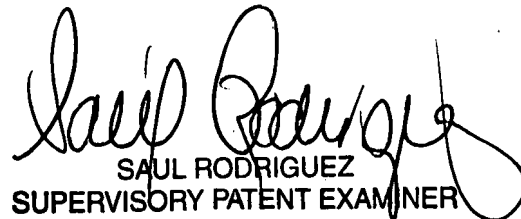
V. Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached at (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



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SUPERVISORY PATENT EXAMINER